

## **MEETING MINUTES**

### **May 18, 2006**

### **GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED**

The meeting was called to order by Chairperson Penney Hall at 10:00 a.m. May 18, 2006 at the F. Ray Power Building, located at the West Virginia Division of Rehabilitation Services' office in Institute, West Virginia.

#### **ATTENDANCE:**

Committee: Penney Hall (Chairperson); Brenda Morford; Pete Cuffaro; John Liller; Everette Sullivan; Jan Smith; Evan Williams (Executive Secretary); Carol Jarrett, Recording Secretary.

WVARF Staff: Glenn McEndree; Chris Miller; Craig Greening and Ken Kennedy.

Public Attendance: Lou Ann Summers, Division of Rehabilitation Services

Chairperson, Ms. Hall called the meeting to order. The first order of business is approval of the previous minutes.

#### **MOTION #1**

**Mr. Sullivan moved to approve the minutes. Mr., Liller seconded. Motion passed.**

#### **REPORT OF THE COMMITTEE CHAIR:**

Chairperson Hall reported committee members except Ms. Smith and Mr. Williams met with Cabinet Secretary Ferguson the previous day. She reported the Secretary did not feel he had the information he needed in order to justify the increase in the CNA fee to 4.9%. He has asked for some additional numbers. Basically what he wants are the base line numbers at the 3.75% rate and then a justification for why each line item has increased. Secretary Ferguson needs this information in order to defend the raise of the fee to the Governor and the legislature. All non-profits which get state funds are being closely looked at because of the situation in Wyoming County and WVARF should not think it is being singled out.

The other issue the Secretary discussed with committee members was his concerns regarding the makeup of the WVARF board. He believes the board needs to be comprised totally of non-WVARF members which oversee the CNA function. The Committee told Mr. McEndree the Association should start adding non-WVARF members as soon as possible while at the same time rotating CRP members off. The current board structure lends itself to the perception of a conflict of interest and the lack of accountability.

The Committee discussed the number of people with disabilities employed in the program and whether it was counted as FTE's or number of bodies. There was also a discussion concerning the documentation required to prove whether someone had a disability. Currently, the CRP's are relying on either doctor or DRS certification.

Chairperson Hall discussed the ADA requirements as it relates to reasonable accommodations. She said she will provide to the Committee the form the state uses to self-identify and will try to find other examples.

## **EXECUTIVE SECRETARY REPORT:**

\$ 307.26 -	FY06 annual allocation;
0 -	Outstanding unpaid expenses, travel, hospitality & accounting fees;
<u>151.02</u> -	Expenses paid-to-date;
\$ 156.24 -	Unencumbered balance.

This balance does not include all expenses for April. Both Mr. Cuffaro and Ms. Smith said they were waiving the April per diem because they attended by phone.

Mr. Williams said he needed the bill for printing the annual report, the teleconference and meals for the March meeting.

## **REPORT OF THE CENTRAL NONPROFIT AGENCY:**

Mr. McEndree reported WVARF had met with Terradon and they are on-line to roll out the software on July 1. They will come to give a presentation to the committee. Training sessions will be scheduled also for WVARF staff, state agencies, CRPs as well as Governor's committee members. Terradon will be asked to present to the Committee at the June 22 meeting.

WVARF staff has been continuing to work the Fair Market Price (FMP) determination plan and have had two additional trainings on FMP, one in Institute and one in Morgantown. They have also been working on new state contracts.

He reported there were six or eight contracts in the Eastern panhandle that were given up by previous vendors which were awarded to a CRP. He said they are trying to get new business while working on existing business to keep customers happy. Mr. Greening and Mr. Kennedy have spent a lot of time on the road paying attention to contracts.

The WVARF Board of Directors met and worked on their strategic plan which resembles parts of the Committee's Annual Plan.

Mr. McEndree reported that at the March meeting there were three CRPs who had set-aside commodities for development exploration: stick mops from Seeing Hands Association, canliners from Gateway Industries, and screen printing and embroidery from Randolph County Workshop. The time expired and the committee voted to give them an additional 60 days to make a determination if they wanted to continue. Gateway Industries indicated they are no longer interested in canliners. Neither Randolph County Workshop nor the Seeing Hand Association have responded so those items will come off and can be assigned to other CRP's for exploration.

The Committee reviewed the percentage of workers with disabilities reported by CRPs. The ones below the 75% level Clay County at 71.4% and Sheltered Workshop of Nicholas County at 69.7%. Both of these CRPs

will be sent a letter requested a plan of correction. Two CRP's have not reported: Green Acres and Randolph County Workshop. It was reported Randolph County is perpetually late.

Chairperson Hall said the CRPs need to realize the importance of these reports and by not turning them in could jeopardize their participation in the program. Showing that 75% participation in the program of people with disabilities is a huge component of this program and something the legislature demands, in fact they wanted it to be 100%.

## **MOTION: #2**

**Mr. Cuffaro moved to send a letter out that if the reports are not sent in a timely manner it would jeopardize participation in the program. Mr. Sullivan seconded. Motion passed.**

The Committee discussed how the ratio of non-disabled and disabled workers was calculated. Mr. Greening explained it is based on direct labor hours. The Legislative rule reads "Maintain an average of 75% disabled workers on the sum of all state use contracts. This will be measured by the total direct labor hours. IF this condition cannot be maintained, a plan of correction must be submitted to the committee for their approval, which will establish this 75% level of utilization." West Virginia is the only state that does their program this way according to Mr. Greening.

The Committee discussed CRPs doing work under the auspices of the State Use Program yet not paying the fee. WVARF staff says this does happen but they are not sure to what extent, although it occurs less frequently than before the existence of WVARF04. Mr. Kennedy reported Betty Francisco keeps a close watch on this and tries to prevent it from happening. Chairperson Hall said some of this may be addressed when the new e-procurement system is implemented.

## **FINANCIAL REPORT:**

Mr. Miller reported the over 60 day accounts receivables are 2.45% of total receivables. Comparing that to previous years it is better than the last two years.

There was discussion about whether WVARF should be billing Brick Street since they are not a state agency. Chairperson hall said if the CRP wants to pay WVARF as the Association, not as a CNA, to do their billing for them, then they can do that. Ms. Morford cautioned that as long as the CRP is actually paying for the time that is being spent and the state use dollars are not going toward the time that is being spent, or there is no perception of preference given, that is OK.

## **CONTRACT COMPLAINTS:**

Mr. Kennedy reported there were four email and/or verbal complaints: 1) janitorial, 1) rest area and 2) soap.

Mr. Greening said the 1-68 rest area had a number of problems. The grass had not been mowed, no weed eating had been done, and the brooms were inadequate for the workers to do the job. They also had a sign was posted that their lunch would be taken out of their payroll. These individuals are getting paid during their lunch hour because they have to be on-site at all times. The CRP needs to change their policy to allow this to happen. They also need to utilize a posted checklist to ensure all work is completed when it is supposed to be.

Chairperson Hall encouraged committee members as they are traveling to stop at the rest areas and have a look around to see how things are going. She said that in her opinion, the rest areas are the one place where out of state people do stop and it could give a good or bad reflection on the State of West Virginia. Other committee members urged members to look at rest areas in other states as well.

Mr. Greening said the janitorial complaint was with the Division of Forestry in Parkersburg. Nobody showed up for work in a week and this was the second time in two months that this has occurred. He has talked to the CRP about the problem.

Mr. Kennedy said the issue with hand soap was unusual for this workshop and was a result of two deliveries that were not on time. They were able to remedy the situation within two days.

Mr. Liller said he had spoken with an individual who had been approached by the CRP in LaSage trying to sell a product using a “poor ole me” excuse to sell. He said he did not think this was a good way for CRPs to work. It was suggested a letter from Mr. Liller be sent to the CRP expressing his and the Committees concerns about this type of approach.

## **CONTRACT PRESENTATIONS:**

Mr. Greening reported there were three new and/or modified contracts:

1. Monroe County DOH District 9 office agreed to increase the wage from \$6.25 to \$8.00 per hour effective immediately.
2. Mercer County DOH District 10 office increased four hours a week from 20 to 24 which resulted in a \$437 adjustment.
3. ABC Warehouse in Nitro wants grounds maintenance work. Goodwill was the only positive RFI responder. The annual fair market price will be \$3,112.08.

There were 41 renewal contracts presented. Most of these contracts remain the same as the previous year. The exception was with General Services for the Capitol Complex where 1500 sq. ft. was added.

At the Capitol Complex the stripping, waxing and carpet cleaning costs have been pulled out and will be billed differently than in the past. Stripping and waxing cost went from 19.8 cents per sq. ft. to 27 cents because of a higher skill level need, wages associated with that skill level and the price of the materials have increased. Also, the cost of carpet cleaning is going from 15.8 cents per sq. ft. to 19 cents per sq. ft.

The DEP Office in Kanawha City is adding an additional stripping and waxing cycle for their floors. When they built that building, they got some very different floors and they are requesting three times a year to strip and wax.

DOH has agreed to 25 cents per hour wage increase for both direct labor and supervisor at all rest areas. . That will take the direct labor from 6.45 to 6.70 and supervisors from \$8.25 to \$8.50.

### **MOTION: #3**

**Mr. Sullivan made a motion to accept the FMP for these contracts. Mr. Liller seconded. Motion passed.**

### **OLD BUSINESS:**

#### 2007 Annual Plan/Goals

WVARF presented the strategies to meet the 2007 goals approved by the Committee.

- Goal #1. To implement and further develop the Fair Market Price as per the rules
- A. Finalize “Request for Change to FMP” form
  - B. Develop procedures to verify and validate data submitted by CRPs
  - C. *Offer training as needed on cost-tracking systems*
- Goal #2. Advance the interests of persons with disabilities
- A. Increase number of direct labor hours worked *increase numbers and percentage of individuals in employment*
    - a. WVARF will provide training on recruitment of persons with disabilities.
    - b. Committee will clarify the required documentation of disability
  - B. Increase wages and/or benefits
- Goal #3. Implement committee’s administration and fiscal activities in a timely manner.
- A. *Committee budget*
  - B. *Planning*
  - C. *WVARF/CRP agreement review*
  - D. *Annul Report*
  - E. *Document retention program (who, what, when, how long and where)*
- Goal #4. Ensure CRP product and services quality.
- A. Finalize and implement CQI plan
  - B. Finalize and distribute janitorial manual
  - C. Review other potential assistance manuals
  - D. Provide training on determining prevailing wage
- Goal #5. Increase products and services on the statewide contract.
- A. Work closely with Executive Secretary to identify potential new contracts
  - B. Develop new projects
  - C. Expand current projects
- Goal #6. Ensure that policies and procedures are in place to assure the fair and equitable assignment of contracts to CRP’s.
- A. Work the Governor’s Committee to reevaluate and revamp assignment policy

Goal #7. Provide fiscal oversight for the appropriate use of funds generated through the State Use Program.

- A. Provide monthly reports as directed
- B. Provide annual audits

The next steps are:

- 1) WVARF to break down the strategies into steps, add responsible parties and dates.
- 2) The committee needs to work on developing a plan on how they are going to meet their goals.

After much discussion regarding the FMP training being planned the Committee took the following action.

**MOTION: #4**

**Mr. Sullivan moved to make the training mandatory. Ms. Smith seconded. Motion passed with this provision the training whenever possible be offered at regional sessions and there will be one makeup date. Or, the CRP may choose to pay cost set by WVARF for a trainer to come to their CRP. Attendance mandatory or if not in compliance they will not be eligible for new contracts and existing contracts could be affected.**

The Committee urged that WVARF keep all charges as close to break even as possible.

**NEW BUSINESS:**

None

**MOTION: #5**

**Mr. Sullivan made a motion to adjourn.**